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11 Attorneys for Defendants
12 RED HAT, INC. and
13 RED HAT MIDDLEWARE, LLC
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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**
20

21
22 FIRESTAR SOFTWARE, INC.,

23 Plaintiff,

24 v.

25 RED HAT, INC., et al.,

26 Defendants.
27
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Case No. C 07-80204 MISC MMC (EMC)

STIPULATION AND ~~[PROPOSED]~~
ORDER RESCHEDULING HEARING
ON THOUGHT, INC.'S MOTION TO
QUASH THIRD PARTY SUBPOENA, OR
IN THE ALTERNATIVE, FOR A
PROTECTIVE ORDER

1 In light of the Parties' arrangement, memorialized in the letter filed concurrently herewith, the
2 Parties hereby stipulate that the hearing on Thought, Inc.'s motion to ~~quash~~ ²⁰⁰⁸ third party subpoena, or
3 in the alternative, for a protective order be rescheduled to February 6, ~~2007~~, at 10:30 a.m.

4 Dated: December 17, 2007

Respectfully submitted,

6 HARVEY SISKIND LLP

7 By: /s/
Seth I. Appel

8 Attorneys for Defendants
9 RED HAT, INC. and RED HAT MIDDLEWARE, LLC.

10 JOHN JASON GENTRY MULLINS

11 By: /jgm/
John Jason Gentry Mullins

12 Attorneys for Third Party
13 THOUGHT, INC.

14 **[PROPOSED] ORDER**

15 The Parties have stipulated that the hearing on Thought, Inc.'s motion to ~~quash~~ ²⁰⁰⁸ third party
16 subpoena, or in the alternative, for a protective order be rescheduled to February 6, ~~2007~~, at 10:30
17 a.m.

18 Good cause appearing therefore:

19 IT IS SO ORDERED.

20 Dated: December 18, 2007

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22 The Honorable Edward M. Chen
23 United States District Court Judge